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C O N F I D E N T I A L PARIS 000408

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STATE FOR EUR/WE; EB/ESC/TFS  
Treasury for Michael Jacobson and Jim Freis

E.O. 12958: DECL: 1/31/2017

TAGS: EFIN PTER ECON FR  
SUBJECT: FRENCH SUPPORT FOR THE TERROR FINANCE TRACKING PROGRAM

REF: A) STATE 194473

B) 06 Paris 7902

Classified by ECON M/C Thomas J. White for reasons 1.4 b and d.

¶1. (C) France's Interior Minister, Nicolas Sarkozy, replied to the Ambassador's letter encouraging continued support for the Terrorist Finance Tracking Program (TFTP, per reftels) on January 16. Sarkozy underscored the need to balance terrorism concerns with privacy concerns, and that the program could lead to new levels of cooperation in the fight against terrorism. He also confirmed that France views the issue as one to be resolved at the EU level.

¶2. (U) Informal translation of the letter follows:

I received your letter of December 7 in which you drew my attention to the report of November 22 of the Article 29 Working Group, concerning the treatment of persona data by SWIFT. Thank you for the precisions concerning the point of view of the American authorities concerning this sensitive dossier.

In effect, it had not escaped my notice that certain recent revelations and the report of November 22 had raised questions from several EU member states, concerned by the risk of violating individual rights and using this program for other uses besides the fight against the financing of terrorism. The report underscores that the absence of a legal basis and independent supervision represents a serious gap to the provisions of the European directive of October 24, 1995 on the protection of personal data.

You correctly evoke the important role in the fight against terrorism played by the Terrorist Finance Tracking Program. I am pleased by the results obtained. I also take good note of the efforts of SWIFT to act in better conformity with the European directive for the protection of personal data.

In the fight against terrorism, we should strive to preserve the delicate balance between considerations tied to privacy and to the public's rights, and those tied to national security and public safety.

The European Commission is currently studying this question, mainly from the legal angle. Mr. Franco Frattini, Vice President of the EC, wishes a solution to this affair at the EU level, and I am happy that discussions have been able to be started between the American and European authorities which should result in an agreement improving the cooperation against terrorist activities while respecting the right to the protection of private banking data. I am convinced that these exchanges will permit us to reach a new level in the fight against terrorism, a key element in the future for Europe as it

is for the United States.  
/signed/ Nicolas SARKOZY.

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[http://www.state.sgov.gov/p/eur/paris/index.c fm](http://www.state.sgov.gov/p/eur/paris/index.cfm)

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